

FILED IN UNITED STATES DISTRICT
COURT, DISTRICT OF UTAH

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IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MICHAEL JAMES PASCAL,

Defendant.

MAGIS. NO. *2:13-mj-402-EJF*

COMPLAINT

VIO. 49 U.S.C. § 46506

18 U.S.C. § 2244(a)(3)

CRIMES IN SPECIAL
AIRCRAFT JURISDICTION OF
THE UNITED STATES

ABUSIVE SEXUAL
CONTACT

Before a United States Magistrate Judge for the District of Utah, appeared
the undersigned, who on oath deposes and says:

COUNT 1

On or about October 26, 2013, in the Central Division of the District of Utah and elsewhere,

MICHAEL JAMES PASCAL,

the Defendant herein, in the special aircraft jurisdiction of the United States as defined in 49 U.S.C. § 46501(2), did knowingly engage in and cause sexual contact with another person, to wit, the intentional touching directly or through the clothing of the buttocks of another person who has attained the age of 12 years but has not attained the age of 16 years and is at least 4 years younger than the person so engaging, and with the intent to abuse, humiliate, harass, and degrade, and to arouse and gratify the sexual desire of a person, all in violation of 49 U.S.C. § 46506 and 18 U.S.C. § 2244(a)(3), and punishable under thereunder.

* * *

Complainant states that this complaint is based on information obtained through investigation consisting of the following:

I, Cameron M. Smilie, being first duly sworn, depose and say:

1. I am a Special Agent with the Federal Bureau of Investigation (FBI). I am presently assigned to the Violent Crime Squad, and investigate matters

including violations in the special aircraft jurisdiction of the United States and other violations of Federal law. I have worked with detectives and officers of the Salt Lake City International Airport Police Department (APD), Delta Airlines personnel, and others to learn the following:

2. On October 26, 2013 Michael James Pascal, born in June, 1968, was a non-revenue ticketed passenger aboard Delta Airlines flight 855 from Detroit, Michigan to Salt Lake City, Utah. Pascal was seated in seat 44E (middle seat).

3. A female minor of fourteen years of age (born in April 1999), hereinafter referred to as R.S., was traveling as an unaccompanied minor on the same flight, and was seated in seat 44E (window seat), next to Pascal.

4. R.S. complained to flight attendants that Pascal behaved inappropriately toward her during the flight. Based on the complaint, the flight crew moved R.S. to a different seat and contacted airport police, who met the flight upon arrival in Salt Lake City.

5. After deplaning in Salt Lake City, R.S. was interviewed by law enforcement, and stated that upon boarding Delta flight 855 R.S. was boarded first as she was on crutches as well an unaccompanied minor. R.S. was seated in her seat, a window seat near the rear of the aircraft. During boarding she was joined by a white male, later identified as Michael James Pascal, who sat next to R.S. in the

middle seat. Towards the beginning of the flight R.S. had a short conversation with Pascal who asked about her injured foot and also assisted R.S. in retrieving a blanket from the flight crew. R.S. felt PASCAL "was nice" and did not feel uncomfortable. R.S. lowered the armrest between PASCAL and herself. R.S. stated "I made sure I had the armrest down because I usually feel uncomfortable when people get too close to me".

6. After lowering the armrest and covering her lap with a red blanket, provided by the flight crew, R.S. fell asleep in a seated position with her legs pulled close to her chest and her feet on her seat. An unknown amount of time later R.S. woke up and noticed Pascal's hand was under the left cheek of her buttocks. R.S. described Pascal's hand as being far enough under her buttocks that his fingers were touching her inner thigh. She described feeling Pascal's hand as being palm up and feeling him gripping her buttocks but not moving. After discovering this she noticed the armrest between her and Pascal was in the upright position and some of his body weight was on her. R.S. also noticed Pascal's eyes were open and "he was clearly awake".

7. R.S. immediately struck Pascal in the right arm with her left elbow and stated, "What the hell are you doing?" After striking Pascal he quickly pulled his hand out from under R.S. As he pulled his hand from under R.S. she described her

body weight being slightly lifted by Pascal. After Pascal removed his hand he stated to R.S., "I'm sorry I'm sorry I was asleep, I have to use the bathroom".

8. Pascal immediately left his seat and according to R.S., rudely pushed past the male passenger seated in the aisle seat. After Pascal left the row, R.S. pressed the flight attendant call button to summon a member of the flight crew. Before a member of the flight crew was able to respond to the call button Pascal returned to his seat next to R.S. Upon sitting down Pascal again apologized and stated he was sleeping.

9. R.S. stated, "That's alright, I have to go", and left her seat to seek a member of the flight crew. R.S. contacted a member of the flight crew, S.D., and notified him of the incident. S.D. placed R.S. in the rear most row of the aircraft and asked another passenger to take the seat of R.S. After being seated at the rear of the aircraft R.S. noticed Pascal looking at her in an "annoyed manner".

10. Pascal agreed to be interviewed, and provided the following information regarding the incident aboard the aircraft. Pascal was commuting from Detroit, his base of operations as a pilot for Delta Connection, to Salt Lake City. Pascal was seated next to an unaccompanied minor who was also using crutches, due to an injured foot. After assisting the minor in getting a blanket from the flight crew, Pascal raised armrest between the minor and himself, because the male passenger

seated to his right was taking some of the space. Pascal observed that the minor was smaller and was not taking as much room in her seat. Pascal stated that he fell asleep with his hands in his lap and does not recall where his hands were when he was awoken by the minor who had struck him with her elbow and had asked "what the hell are you doing?" After being awoken, Pascal apologized and stated he must have fallen asleep and that he needed to use the restroom. He left his seat and went to the lavatory located at the rear of the aircraft. Upon returning to his seat he apologized to the minor again for falling asleep and leaning on her. He stated that the minor said she needed to use the restroom and left her seat.

11. A short time later, another passenger replaced the minor in her seat, and Pascal stated he looked back to see where the minor had gone. He stated that he asked the female passenger who had replaced the minor if she was switching seats with the minor, and that the passenger stated they were switching.

12. Pascal stated that he believes that it may be possible for his hand to have fallen in the minor's seat while he was asleep, however he does not "recall" where

his hand was when he awoke.



CAMERON M. SMILIE
Special Agent
Federal Bureau of Investigation

SUBSCRIBED AND SWORN TO BEFORE ME this 28 day of

October, 2013.



EVELYN J. FURSE
United States Magistrate Judge

APPROVED:

DAVID B. BARLOW
UNITED STATES ATTORNEY



MICHAEL KENNEDY
Assistant United States Attorney